

Comments Received on DEIR as of 12 Noon, March 9, 2021

Included here

1. Golden Gate Bridge District, dated January 11, 2021
2. Liza Wozniak letter (cultural resources), dated February 19, 2021
3. Transportation Authority of Marin, dated March 3, 2021
4. San Rafael Heritage Letter dated March 5, 2021
5. Victoria DeWitt/ Hillside Neighbors Letter dated March 8, 2021
6. Caltrans Letter, dated March 9, 2021

Not Included here, but previously provided to Planning Commission

7. Jan 25, 2021 letter from Ragghianti and Freitas on 1010 Grand Avenue
(provided to Commissioners on January 26, 2021)
8. January 25, 2021 letter from Ragghiant and Freitas on 1230/48 Fifth Avenue
(provided to Commissioners on January 26, 2021)
9. March 5, 2021 letter from Michael Smith on 1504-22 Fourth Street
10. Liza Wozniak letter (biological resources), dated March 8, 2021

Reference #1

David Davenport <DDavenport@goldengate.org>
Mon 1/11/2021 4:05 PM

Dear Mr. Miller:

The Golden Gate Bridge, Highway and Transportation District (District) operates Golden Gate Transit bus service on streets that will be affected by the proposed Downtown Precise Plan. The District also operates some Marin Transit bus service as one of that agency's contractors. All this service operates to/from the District-owned C. Paul Bettini Transit Center on the block bounded by Second and Third Streets, and Tamalpais Avenue and Hetherton Street. District staff reviewed the plan and offers the following comments:

- Figure 6.23 should be updated as follows:
 - A high frequency bus route should be marked along the following street segments:
 - Tamalpais Avenue between Second and Third Streets
 - Second and Third Streets between Tamalpais Avenue and Hetherton Street, and between Irwin Street and Grand Avenue
 - Grand Avenue south of Third Street
 - A moderate frequency bus route should be marked along Third Street from Tamalpais Avenue to Cijos Street and along Cijos Street from Third Street to Fourth Street. This routing operates in the westbound/northbound direction and is a companion to the eastbound route already depicted on Fourth Street between Cijos and Hetherton Streets.
 - A low frequency bus route should be removed from C Street, and added to Lincoln Avenue south of Second Street.
- The street transformations for Fourth Street (between H and E Streets, between E Street and Tamalpais Avenue, and between Tamalpais Avenue and Hetherton Street) propose travel lane widths of less than 12 feet. While this is sufficient for streets with two travel lanes in the same direction, lanes widths should be 12 feet on bi-directional two-lane streets that have bus service.
- A project to replace the transit center is currently undergoing environmental review. Depending upon where a future facility is sited, the need for 12-foot travel lanes may also apply to the segment of Fourth Street between Irwin Street and Grand Avenue. In addition, while existing bus service operates only in the eastbound direction of Fourth Street between Cijos and Hetherton Streets, this service may become bi-directional as part of a relocation.

Please feel free to contact me if you have any questions about these comments.

Thank you,

David Davenport

David Davenport
Senior Planner
Golden Gate Bridge, Highway & Transportation District
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San Rafael, CA 94901
415-257-4546
ddavenport@goldengate.org

Public Comment on General Plan EIR

Reference #2

Liza [REDACTED]

Mon 3/8/2021 2:01 PM

To: Barry Miller <Barry.Miller@cityofsanrafael.org>

Cc: Lindsay Lara <Lindsay.Lara@cityofsanrafael.org>

Mr. Miller,

These comments concern Section 4.4 Biological Resources and are in addition to my February 19 comments concerning the omission of the 1929 Northwestern Pacific Railroad Depot building from our historical inventory.

Section 4.4 Table 4.4-1 contains numerous numerical errors in the percentage column; these should be corrected in the Final and/or explained in a footnote.

The description of CNDDDB as "monitoring" special-status wildlife is inaccurate. CNDDDB records observations submitted to it by field scientists; it does not survey or monitor at all. Occurrence records for CNDDDB species are submitted for areas under study; the absence of such records does not indicate that a species is absent, merely that it has not been observed and recorded in the database in that location. Please correct p.4.4-17.

Figure 4.4-3 omits the locations of Northern Spotted Owl nests. While the precise locations should not be disclosed in a public document, the approximate locations of owl activity centers should be included on the map or noted in the legend, lest it appear that no special-status species have been recorded in areas where they in fact have been recorded. For example, the Northern Spotted Owl activity center on Southern Heights ridge is within the EIR study area and its foraging habitat may include the Downtown Precise Plan area. Please update the figure.

Impact BIO-1 similarly omits any mention of the Northern Spotted Owl. Although this species would be covered under the Migratory Bird Treaty Act along with all other native migratory birds, a greater level of protection should be considered for a federally threatened species within our city. Any work conducted in the vicinity of Northern Spotted Owls should avoid the nest with a buffer of at least 1/4-mile, and include biological monitoring to ensure the nesting owls are not disturbed.

In Impact BIO-2, Policy C-1.12 only protects oak woodlands, and fails to provide any safeguard for Redwood forests, buckeye woodlands, native grasslands and other upland sensitive communities within the EIR study area. Mitigation Measure BIO-2 should be updated to require a survey by a qualified biologist to ascertain presence of all these communities, *and* to avoid or mitigate impacts to any sensitive communities present, before approval of development permits. Simply identifying the presence of a sensitive community is not sufficient to mitigate impacts. The wording of Measure BIO-3 is similarly inconclusive, stating only that surveys shall be conducted for wetland and waters, where it should state that surveyed areas will be avoided or fully mitigated.

Thank you for your attention to my comments.

Sincerely,

Liza Wozniak

Reference #3

San Rafael General Plan 2040 Draft - Comments from TAM

Derek McGill <DMcGill@tam.ca.gov>

Wed 3/3/2021 2:42 PM

To: Barry Miller <Barry.Miller@cityofsanrafael.org>

Cc: Paul Jensen <Paul.Jensen@cityofsanrafael.org>; Anne Richman <ARichman@tam.ca.gov>

Dear Barry Miller,

TAM would like to congratulate the City of San Rafael on the completion of the public draft of its General Plan update. The City of San Rafael General Plan shows leadership and vision in addressing today's most critical transportation planning challenges. TAM is especially supportive of the focus given to identification of the transportation investments in the plan, including the 101/580 Direct Connector project led by TAM, and transportation investments supported by Local Transportation Sales Tax measures, including Measure A and its 2018 renewal Measure AA.

Within the general plan and its accompanying draft Environmental Impact Report, the city has taken progressive steps towards addressing how to assess transportation impacts in alignment with SB 743. TAM supports these efforts and the process laid out in the general plan. TAM in our role as congestion management agency for Marin County, continues to be responsible for preparing a congestion management program responsible for assessing regional traffic impacts from local developments and land use plans. TAM assists local jurisdictions in developing methodologies to assess the performance of the transportation network and is appreciative of the city's effort on coordination of transportation planning efforts with TAM. The most recent copy of this report, and TAM's approach to implementing the CMP is available on our website here:

<https://www.tam.ca.gov/congestion-management-program/>.

As a number of transportation impacts in the DEIR are identified as significant and unavoidable, TAM recognizes that mitigations to these transportation impacts rely on coordination and implementation of policies, plans and programs to address these impacts. TAM is encouraged by the mitigation measures identified in the DEIR, and where partnership with TAM programs such as safe routes to schools or transportation demand management programs (including green commute programs such as marincommutes, bikeshare and first-last mile programs) can be strengthened with supportive policies and ordinances, TAM is pleased to coordinate and support these efforts where feasible.

Additionally, with changes to transportation analysis under SB 743, TAM recognizes that the CMP is no longer required to be considered as part of the transportation analysis in the DEIR, resulting in inconsistencies placed on local agencies in addressing LOS and VMT in transportation planning. However, as locally adopted plan, an assessment of the consistency of the CMP should be included in the DEIR and General Plan, potentially as part of its analysis for consistency with local plans. Since segments of local arterials in San Rafael are identified as part of the CMP network, the provisions of the CMP apply to these roadways. To the extent feasible, the GP/DEIR should reflect the CMP network that exists within the city, and the current and future projected LOS on these roadways to ensure consistency with the CMP will occur in the current condition and future buildout of the plan. TAM would be happy to coordinate further on the methodology and process for completing this assessment should the city need any assistance in doing so.

If you have any questions or concerns related to these comments, please contact TAM's planning manager, Derek McGill at the contact below.

Regards,

Derek McGill, AICP

Planning Manager

Transportation Authority of Marin

dmcgill@tam.ca.gov

SAN RAFAEL HERITAGE
P.O. BOX 150665, SAN RAFAEL, CALIFORNIA 94915



March 5, 2021

Reference #4

Barry Miller, Consulting Project Manager
San Rafael Community Development Department

Subject: San Rafael Heritage Comments and Recommendations
General Plan 2040 (GP2040)/Downtown Precise Plan (DTPP)/Draft Environmental Impact Report (DEIR)

Dear Barry,

San Rafael Heritage (SRH) is gratified for the opportunity to offer our comments and recommendations regarding the DEIR. The spirit of this letter is to promote the interests of the broader San Rafael community. We support the city's focus on providing clarity in regulations, the entitlement processes and actions for historic resources, providing incentives for their preservation and continued use, elevating preservation as an urban design and placemaking tool, recognizing its place in supporting a shared collective memory and improving the quality of life for residents and visitors.

We have not attempted to proofread the document and make specific text recommendations, choosing instead to rely on you, planning staff, the consultant team and the city's elected and appointed decisionmakers to take our thoughts into consideration and modify the DTPP, GP2040 and DEIR as is deemed appropriate. Under separate cover Leslie Simons will offer specific recommendations.

While there are as many policy and regulatory approaches to historic preservation as there are different governing authorities, we are most familiar with Redwood City's (RWC) experience. As such, it provides a basis for a number of our observations and recommendations.

SRH intends to be a partner with the City and other stakeholders to promote historic preservation and achieve recognition of it as a key part of San Rafael's genetic make-up. To achieve this, we will need to build local multigenerational and ethnic affinity, capacity and knowledge in historic preservation. Committed actions by the City and the preservation community are required.

There is a high probability we may have missed key policy and action language elsewhere in the GP2040, DTPP, and the DEIR. For this we seek your indulgence.

This letter is organized around several key themes. Our objective is to have the narrative and recommendations below considered in the context of the DEIR, as they may influence its content and mitigations.

As a volunteer organization, we rely on the efforts of our members and have limited capacity. We intend to continue to provide as timely input as possible on the inventory, rating of resources, input on the areas in the DTPP that were not surveyed due to limitations on time and resources and provide recommendations for refinement of the proposed district boundaries. SRH proposes to continue this work as the Planning Commission reviews and acts on the DEIR and prior to consideration of the GP2040, DTPP and DEIR by the City Council. We intend to adhere to the schedule discussed on our meeting with you on March 1, 2021.

A. Historic Resource Inventory and Rating of Resources

SRH has been working with city staff and the consultant team to provide a local perspective and knowledge on the Historic Resource Inventory (HRI). We participated in the 2019-2020 field survey conducted in much of the DTPP geographic area with Garavaglia and Associates. Subsequently we have been working with you and Renee Nickenig to reconcile the 1978 inventory and its 1986 administrative update with the 2020 Inventory and provide input for the Context Statement.

In general, we concur with most of the 2020 inventory, however, our findings include some recommendations for additions and deletions and the modification of some ratings. We will also provide some recommendations for small adjustments to the proposed historic district boundaries (to be included in a subsequent letter) and inclusion of the rating of each resource in the inventory spreadsheet provided separately by Leslie Simons.

Recommendations:

1. Refer to the specific recommendations for the HRI noted in a letter and spreadsheet to be provided separately by Leslie Simons.

2. Provide a process to improve the rating of resources and a path to landmark designation for actions by landowners to restore and rehabilitate them.

This provides parcel owners a choice of action. The objective is to allow access to incentives afforded by local landmark designation, and state or federal listing where possible. The urban design objective is to improve streetscapes through enhancement of what might not be considered landmark worthy or a contributing resource without restoration and other improvements.

A good example of this is the MMWD Building at 874 4th St. The project scope could include removal of the storefront addition in front of the building, creation of a private plaza in its place, restoration of the building façade and transfer of height and bulk to the rear of the site. This would result in a currently “E” rated resource receiving an A or B rating benefiting from incentives associated with local landmark designation and the public benefit of an improved streetscape. Landowner incentives may include, but not limited to, federal tax credits, application of the historic building code, and reduction of local property taxes associated with a Mills Act Contracts and façade easements.

3. Provide an example of an existing block form building on 4th Street before and after restoration of the façade to illustrate the action noted in #2 above. Commonly original storefront transoms and architectural features are concealed behind a more recent remodel. Those features and fenestration that have been removed or altered can be restored. Where insufficient information exists on the historic façade, correct period improvements may be utilized under the guidance of a qualified preservation specialist.
4. Conduct an additional priority review of selected areas not surveyed during the 2019 field work to identify highly rated (A-C) resources (Refer to DEIR pg. 4.6.16 Figure 4.5-2).

It appears the area south of 2nd Street has one potential resource: Albert Field. The Montecito Shopping Center Area has no potential landmark or contributing resources and the parcels on the north side of 4th between Mary, Mission and Union appear to have no resources. The Latham Street area may ultimately qualify as a historic district, will not be subject to DTPP related zoning changes and can be included in a future survey update.

The properties along 5th Avenue starting at Cijos and extending to the western and northern boundaries of the DTPP, and those on either side of Irwin in the vicinity of 5th and Mission are recommended for priority review to identify resources to be considered in the DEIR. If sufficient resources or time aren't available, SRH recommends prioritizing these areas for the next update. SRH is available to assist in this process.

5. Modify the maps and inventory lists to conform to the revised inventory and ratings. For example, on Figure 4-1 (page 4-4) the resource shown on the northwest corner of 4th and E Streets should only include the former automobile dealership on the corner. The adjacent buildings on both 4th and E should not be indicated as potential landmarks or contributing resources. Please refer to the material attached to Leslie Simons' letter to be sent later by March 15th.
6. All graphics relating to the historic core should be modified. An example is Figure1-1, page 1-5. Please refer to the letter from Leslie Simons for clarification.

B. Development Standards

When crafting development standards including the form-based code, consideration is given to achieving the development goals set out for the DTPP including but not limited to the preservation and enhancement of historic resources. The objective is to set the right balance between historic preservation priorities and providing sufficient flexibility and incentive for project proponents to facilitate the implementation of the DTPP. Making the review process ministerial rather than discretionary whenever possible reduces uncertainty and approval time.

Recommendation

1. Provide prescriptive requirements to maintain landmark status for resources subject to significant modification. In RWC's case, for what are termed as block form buildings in the San Rafael DTPP, this typically includes façade restoration and maintenance of 75% of the original exterior walls of the resource. This includes original walls retained below new construction and doesn't preclude air rights development conforming with the form-based code over block form resources (typically a specific setback dimension for the new construction from the resource's street façade).
2. Clarify the definition of development adjacent to a resource. This is subject to interpretation and is conditioned upon the motivations of the policy makers including the desire to provide incentives for change consistent with the DTPP. RWC limits adjacency to improvements on the resource parcel itself

and parcels located within a designated historic district. RWC's downtown precise plan sets step back requirements on specific streets such as Broadway and Main Street and height limits throughout the plan area. The form-based code standards in the San Rafael DTPP can serve the same function but appear to be overly prescriptive on sites adjoining resources and districts and on sites themselves.

The proposed DTPP form-based code (Code) criteria significantly impact future development adjacent to historic districts and eligible and contributing resources. The Code requires adjacent new construction to step back from property boundaries and have roof forms such as gabled elements in addition to street step backs otherwise required. It also places more restrictive limits on the number of stories that can be added to a resource. The intent is to affect a form and bulk transition between larger buildings and historic resources and/or districts. This has a significant impact on the development potential of adjacent parcels. Affected landowners are likely to strongly object to historic landmark or district designation on a property adjacent to their holdings considering these actions to have a detrimental impact on their property development potential. In addition, this will likely reduce the number of potential sites that can economically accommodate the kind of change anticipated by the DTPP and the City Council.

There are potential advantages and disadvantages to the Code as currently written. On the plus side the code recognizes a desire to transition from larger new buildings to smaller historic resources and districts. On the minus side, in addition to objections by adjacent landowners, it may also adversely affect the City Council's motivations to landmark properties and districts and support incentives for preservation.

The RWC approach relies on a balance by applying step backs along streets regardless of the presence of historic resources and has no step back or other form limitations on property boundaries adjacent to individual resources or districts other than the height limits set out by its code.

RWC has been successful in motivating landowners to designate their buildings as landmarks and agree to inclusion of their properties in historic districts. This has resulted in restoration of many facades in the downtown area and virtually no resistance by adjacent landowners to district or individual landmark designations. Preservation has consistent support by the City Council and is recognized as a mitigation to the growth and change that has occurred in their downtown.

It should be noted there are some conditions where a modern multi story office building or residential block has been constructed next to a small scaled historic resource (such as a 19th century wood frame residence). In other words: There are tradeoffs. However, the robust economic conditions of the Silicon Valley combined with a significant number of new apartment and office buildings activated downtown streets and supported new businesses. This new vibrancy is sufficient to justify the rents required to cover the high and unpredictable costs of restoring and repurposing historic buildings. Achieving preservation goals is tied to the success of the DTPP in attracting new growth and associated economic activity.

3. Apply RWC's DTPP development standards regarding historic resources, including adjacency and on-site improvements. RWC's Historic Resource Advisory Committee (RWC HRAC) applies the following standard: If a proposed improvement does not render a resource ineligible for National Register listing it's permissible. In addition, the RWC HRAC takes into consideration the evolving context around a resource. For example, the context at the time a resource was constructed may be considerably different than what now exists or what is anticipated by the DTPP. A modest scale wood frame residence (house form) may be a remnant of the small-town context that existed in the 19th century but is not reflective of its current 21st century urban context.

C. Adjustments to Historic Districts Boundaries

SRH observed that the proposed district boundaries in the DTPP extend beyond areas with a cohesive context and seem to be configured to reach out to individual resources. We recommend the district boundaries be revised to conform to areas with an intact context. Mitigations measures regarding individual eligible and contributing resources are adequately addressed in the DEIR without inclusion in a district.

Historic district boundaries should be established to maintain and emulate the traditional main street character of 4th and B streets, with buildings fronting directly on the sidewalk and a variety of period examples of architecture with different heights from the mid 19th century to present. We recommend focusing the proposed districts on those streets. The Latham Street neighborhood also has an intact context and may be considered for designation as a historic district in the future. SRH also notes there are no specific actions, procedures or timetables identified to establish historic districts and would like to see this addressed.

Recommendations

1. **West Downtown Core District:** Include only the parcels on both sides of 4th Street from the two parcels on the west side of E Street (the former automobile dealership at 1504 4th and parcel on the south side of the street) to A Street. Regarding B Street: Include the parcels on both sides of B Street from 4th street to south of 2nd street including the Cosmopolitan Hotel, 747 B Street and the resources on either side of the former railroad right of way on the east side at 720 B Street.
2. **East Downtown Core District:** Include parcels along 4th Street from the west as shown on figure 4.5-4 to Tamalpias Avenue including the NWP Depot Building at 930 Tamalpias.
3. **West End District:** SHR recommends identification of a potential West End District including the parcels along 4th Street from E Street to H Street (including 1 H Street, the Pacific Telephone & Telegraph building).
4. We recommend the DTPP clarify the district designation process and a proposed timetable.

D. Composition of the Historic Resources Advisory Committee

The composition of a Historic Resource Advisory Committee (HRAC) is a reflection of the policy objectives of the City. As currently proposed, the committee would have a member of the Planning Commission, member of the Design Review Board and a community member appointed by the Planning Commission. Qualifications of the members is intended to reflect a broad knowledge in areas such as construction and downtown business concerns but surprisingly doesn't speak to its core historic preservation function. This may be reflective of a desire to protect the interests of property owners, a laudable objective, but not reflective of the committee's core responsibilities.

One of our steering committee members, Jeff Rhoads, served on the RWC HRAC for four years and shared his observations with SRH. A key principle that has evolved over the approximately 40 years of the RWC HRAC's function has been a narrow focus on historic preservation as defined by the municipal code and the DTPP; mission creep is avoided. Land use and design matters are left to others such as the Design Review Commission, Planning Commission and ultimately the City Council.

The key requirement for RWC-HRAC members is a commitment to historic preservation. Other factors are considered by the Planning Commission, when it appoints new members, include knowledge of architecture, construction, real estate development economics, experience and interest in research, knowledge of local history and historic resources, and representation of the city's different socioeconomic and ethnic communities.

Until recently a Planning Commissioner served on the RWC HRAC; this was discontinued. The City Attorney's office was concerned about the perception of lack of independence on RWC HRAC findings and deference to the Planning Commissioner by other committee members. In addition, serving on the RWC HRAC added to the Planning Commissioner's workload. The RWC HRAC was initially a full commission with seven members but was reduced to a five-member committee in the interest of efficiency and cost control considerations.

A key function of the RWC HRAC has been to build local capacity in historic preservation. Committee members organize and support activities such as annual school children tours of historic sites and the downtown history walk (note Guiding Policy 6F of the San Rafael DTPP pg. 4.5-40). They are community advocates for preservation, conduct research, attend seminars and tours on best practices and work with staff on potential designations of sites and districts. They make recommendations on applications for landmark and district designations and the terms of Mills Act contracts. Commonly landmark applications and Mills Act contracts are processed concurrently at the request of applicants who seek the incentives offered by tax credits and the Mills Act. The RWC-HRAC reviews development applications and renders recommendations within the confines of their clearly defined responsibilities to preserve and enhance the standing of city's historic resources They provide an independent voice for preservation to the Planning Commission, and when tasked, to the City Council.

Recommendations

1. SRH recommends formation of a San Rafael HRAC with five members appointed by the Planning Commission based on the RWC model. We recommend assignment of a member of the Community Development staff with professional knowledge in preservation to act as the general liaison preparing the agenda and staff reports. Staff planners assigned to specific projects would be responsible for the project staff report and presentation to the HRAC.
2. In recognition of funding limitations SRH recommends using preservation mitigation fee exactions for support of historic preservation activities such as but not limited to, regular updates to the historic resources inventory, staff support for a HRAC, funding landmark designations, and interpretive signage.

E. Context Statement

Our Steering Committee member, Jeff Rhoads, submitted some previous recommendations for inclusion in the Context Statement. We note that some these recommendations have been included in the updated Context Statement included in DEIR Cultural Resources Data, Appendix F. Additional comments regarding specific facts and references will be submitted separately by Leslie Simons.

Recommendations

1. Include a concise summary statement in the Context Statement and DTPP policy. SRH has observed a key contextual defining characteristic of Downtown San Rafael: 4th Street and B Street are unusually intact examples of a prosperous small American main street. They exhibit good quality representative buildings from each stylistic period from the mid 19th century through the present. This context includes street walls with few interruptions such as parking lots and driveways. These urban design characteristics shall inform future development downtown. In addition to preserving and restoring landmark and contributory building facades to their period of construction, future interruptions to the street wall must be carefully considered and new construction should reflect its period in time while respecting the existing historic scale and context.
2. Review and incorporate Leslie Simons' comments under separate cover.

F. Certified Local Government Status

The National Park Service State Office program for Certified Local Governments in Historic Preservation (CLG) is administered by State Historic Preservation Offices. This program allows CLGs to apply for federal and state grants and is a prestigious designation.

A CLG must meet the following minimum goals:

- Establish a qualified historic preservation commission (such as a HRAC)
- Enforce appropriate State or local legislation for the designation and protection of historic properties. In most cases this is done in the form of a local ordinance.
- Maintain a system for the survey and inventory of local historic resources.
- Facilitate public participation in the local preservation, including participation in the National Register listing process.
- Follow additional requirements outlined in the State's CLG Procedures. Each state has Procedures for Certification that may establish additional requirements for becoming a CLG in that State.

Recommendations:

1. Commit to policies, actions and a timeline to achieve CLG status for San Rafael.
2. Meet the qualification standards for certification.
3. Apply to the State Historic Preservation Office (SHPO) for Certification.

We appreciate the opportunity to participate in this process. SRH is committed to working with the City of San Rafael and other community stakeholders to advocate for historic preservation as an essential part of an authentic, culturally diverse and successful Downtown and greater San Rafael.

SRH looks forward to being a partner in the City's bright and evolving future.

Sincerely,



Linzy Klumpp, President
San Rafael Heritage

cc: Paul Jensen, Community Development Director
SRH GP2040 Sub-committee

March 9, 2021

Reference #5

San Rafael Planning Commission

1400 Fifth Avenue
San Rafael, CA 94901

Via email: barry.miller@cityofsanrafael.org; lindsay.lara@cityofsanrafael.org

PLEASE INCLUDE THIS 5-PAGE LETTER IN PUBLIC COMMENTS for the Planning Commission hearing on March 9, 2021, for the draft General Plan EIR

Dear Planning Commissioners:

I have the following comments on the Draft EIR:

1) Aesthetics, pg 4.1-5

Hillside Residential Design Guidelines Manual

The Hillside Residential Design Guidelines Manual, adopted in October 1991, establishes an environmental and design review process for residential development proposed on hillsides to protect the public welfare and to ensure new development is compatible with neighboring development and that new development would will not have a physical or visual impact on the natural setting of the hillside.

The Hillside Residential Design Guidelines Manual outlines guidelines that are intended to provide the foundation for the Hillside Residential and Hillside Resource Residential General Plan land use designation, as guidelines for the environmental and design review process, and as guidelines for development on hillsides that does not fall into a hillside land use designation. The design guidelines provided in the Hillside Residential Design Guidelines Manual include, but are not limited to, limitations on building height and bulk, a natural state requirement which provides for a portion of the land to remain undeveloped and undisturbed, parking requirements on narrow streets, and restrictions on development within 100 feet of the ridgeline. maximum density, maximum building height, additional height limits, preserve mature trees, and preserve unique vegetation.

The Hillside Residential Design Guidelines Manual outlines guidelines for ~~removal of~~ preservation of significant trees, minimizing hillside grading and alterations to natural drainage courses, as well as architectural standards with specific criteria for use of materials and colors that blend rather than contrast with colors of the surrounding landscape and the natural setting.

2) Aesthetics, pg 4.1-8, Neighborhoods, 1st paragraph:

...tree-lined streets and hilly terrain as in the Los Ranchitos, Sun Valley, Fairhills, Lincoln San Rafael Hill, Gerstle Park, West End, Picnic Valley, Bret Harte, and California Park neighborhoods.

3) Aesthetics, Pg 4.1-10

Change “**The West End District**” to “**The West End Village District**” in order not to confuse this with the West End Neighborhood.

4) Biological Resources, pg 4.4-42:

Program C-1.16C: Tree Preservation. ~~Consider~~ Adopt a tree ordinances and with standards that limit the removal of trees of a certain size and require replacement when trees must be removed. Adopt the following table defining protected and heritage trees, diameter measured at breast height:(source: Marin County)

Common Name	Botanical Name	Protected Size	Heritage Size
Arroyo willow	<i>S. lasiolepis</i>	6 inches	18 inches
Big-leaf maple	<i>Acer macrophyllum</i>	10 inches	30 inches
Bishop pine	<i>Pinus muricata</i>	10 inches	30 inches
Blue oak	<i>Q. douglasii</i>	6 inches	18 inches
Box elder	<i>A. negundo</i> var. <i>californicum</i>	10 inches	30 inches
California bay	<i>Umbellularia californica</i>	10 inches	30 inches
California black oak	<i>Q. kelloggii</i>	6 inches	18 inches
California buckeye	<i>Aesculus californica</i>	10 inches	30 inches
California nutmeg	<i>Torreya californica</i>	10 inches	30 inches
Canyon live oak	<i>Q. chrysolepis</i>	6 inches	18 inches
Chaparral oak	<i>Q. wislizeni</i>	6 inches	18 inches
Coast live oak	<i>Quercus agrifolia</i>	6 inches	18 inches
Coast redwood	<i>Sequoia sempervirens</i>	10 inches	30 inches
Douglas-fir	<i>Pseudotsuga menziesii</i>	10 inches	30 inches
Giant Chinquapin	<i>Castanopsis chrysophylla</i>	10 inches	30 inches
Hawthorn	<i>Crataegus douglasii</i>	10 inches	30 inches
Mountain-mahogany	<i>Cercocarpus betuloides</i>	10 inches	30 inches
Narrow leaved willow	<i>Salix exigua</i>	6 inches	18 inches
Shreve’s Oak	<i>Q. parvula</i> var. <i>shrevei</i>	6 inches	18 inches
Oregon ash	<i>Fraxinus latifolia</i>	10 inches	30 inches
Oregon oak	<i>Q. garryana</i>	6 inches	18 inches
Pacific madrone	<i>Arbutus menziesii</i>	6 inches	18 inches
Pacific yew	<i>Taxus brevifolia</i>	10 inches	30 inches
Red alder	<i>A. rubra</i>	10 inches	30 inches
Red elderberry	<i>Sambucus callicarpa</i>	10 inches	30 inches
Red willow	<i>S. laevigata</i>	6 inches	18 inches

<u>Common Name</u>	<u>Botanical Name</u>	<u>Protected Size</u>	<u>Heritage Size</u>
Sargent cypress	Cupressus sargentii	6 inches	18 inches
Scoulier's willow	S. scouleriana	6 inches	18 inches
Service-berry	Amelanchier tahensis	10 inches	30 inches
Shining willow	S. lucida ssp. Lasiandra	6 inches	18 inches
Silk tassel	Garrya elliptica	10 inches	30 inches
Sitka willow	S sitchensis	6 inches	18 inches
Tanbark oak	Lithocarpus densiflorus	10 inches	30 inches
Valley oak	Q. lobata	6 inches	18 inches
Wax myrtle	Myrica californica	10 inches	30 inches
White alder	Alnus rhombifolia	10 inches	30 inches

Policy C-1.17: Tree Management. ~~Encourage~~ Require the preservation of healthy, mature trees when development and/or construction is proposed. Site plans should indicate the location of all trees and include measures to protect them ~~where feasible~~. Require a tree management plan prepared by a licensed arborist using published standards and practices for protecting and monitoring the health of the trees both during and post construction.

Also, included in my comment letter dated December 15, 2020, I recommend adding the following program:

Program C-1.17A. Tree replacement policy.

Adopt a tree replacement policy that reduces our carbon footprint and aligns with the City's policies for Climate Change. Rather than require tree replacement of 3:1, without regard to size, and frequently settling for a noncompliance fee, require tree replacement based on a calculation of energy costs savings, runoff absorption, wildlife support, carbon absorption, fire hazard mitigation, and beauty that is equal to or greater than the trees that are removed.

5) Biological Resources, pg. 4.4-43:

Policy CDP-3.6: Tree Preservation, Removal and Replacement.

Program CDP-3.6A: Mitigation for Tree Removal. Continue to implement mitigation requirements for tree removal in new development. When necessary, this could include planting of trees in locations other than the project site or reducing the footprint of the proposed development. Tree replacement ~~value~~ should be based on a value equal to or exceeding the carbon footprint and ecological benefits of the existing trees proposed for removal. Ecological benefits include water conservation and absorption of water runoff, reduction of air pollution, energy reduction from shade and cooling effects, soil retention and slope stabilization, wildlife support, and scenic beauty. ~~mass rather than a numeric ratio score.~~

6) Geology and Soils, pg 4.7-4 – add underlined text:

Chapter 14.12, Hillside Development Overlay District. "...on-site parking, and implements site design policies of the General Plan and the Hillside Residential Design Guidelines Manual.

7) Geology and Soils, pg 4.7-22, the following changes were included in my previous comment letter dated December 15, 2020, repeated here:

Program S-2.1B: Geotechnical Review: pg 8-7

Continue to require geotechnical studies and peer review for proposed development as set forth in the City's Geotechnical Review Matrix to assess soil/geologic hazards and determine if these hazards can be adequately mitigated.

Such studies should determine the extent of geotechnical hazards, optimum design for structures, the feasibility and suitability of a proposed development for its location, the need for special structural requirements, and measures to mitigate any identified hazards. In some instances, an engineering solution may not be economically feasible, and avoidance of the hazard may be the best way to assure public health and safety, per LHMP. These findings shall be considered in conjunction with development review before project approval. Periodically review and update the Geotechnical Review Matrix to ensure that it supports and implements the Local Hazard Mitigation Plan.

Policy S-2.2: Minimize the Potential Effects of Landslides

Development proposed in areas with existing or potential landslides (as identified by a registered Certified Engineering Geologist or Registered Geotechnical Engineer or the Local Hazard Mitigation Plan (LHMP)) shall not be endangered by, nor ~~or~~ contribute to, hazardous conditions on a the site or on adjoining properties. Development in areas subject to landslide hazards shall incorporate adequate mitigation measures that have a design factor of safety of at least 1.5 static conditions and 1.0 for pseudo-static (earthquake) conditions.

8) Appendix C: Land Use Map Changes

APN 12-041-13 is a vacant lot at the end of Fremont Road that is the site of a 400 foot swale that funnels water, sometimes a massive waterfall, into a city maintained culvert at its base which directs water flow down the hill. When the water isn't flowing, you can visibly see the land subsidence and deep scars left from years of water wearing a path down the hill, taking the land with it. APN 12-041-13 is currently zoned R-10. This lot is unbuildable and should be zoned as "conservation."

9) The reference to the "**Hillside Residential Design Guidelines Manual**" is the correct name of the manual and is referenced in Municipal Code 14.12. Several references in the DEIR have shortened the name to the "Hillside Design Guidelines Manual," creating inconsistency; you may consider changing to the full name of the manual for consistency and agreement. See Aesthetics, pg. 4.1-5, 3rd paragraph, 5 references; pg 4.1-13, CDP-1.3A, 2 references; pg 4.1-14, Program C-1.10A, 2 references; pg 4.1-15, 2nd paragraph, 1 reference; and pg 4.1-19, 2nd paragraph, 1 reference.

You have stated in your staff report, under "Summary of Comments Received to Date" that responses to comments received in January and February are still underway. I have not yet

received a response to a letter I submitted on December 15, 2020. Can you tell me when I can expect to receive a response to this letter and how you will communicate your response.

Thank you for your consideration.

Sincerely,

Victoria DeWitt
West End Resident

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

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Reference #6*Making Conservation
a California Way of Life.*

March 9, 2021

SCH #: 2019039167

GTS #: 04-MRN-2019-00195

GTS ID: 15131

Co/Rt/Pm: MRN/101/VAR

Barry Miller, Project Manager
City of San Rafael
1400 Fifth Avenue
San Rafael, CA 94901

**Re: City of San Rafael General Plan 2040 and Downtown Precise Plan – Draft
Environmental Impact Report (DEIR)**

Dear Barry Miller:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the January 2021 DEIR.

Project Understanding

The city of San Rafael has prepared a Draft General Plan 2040 to guide land use and development, and a Draft Downtown Precise Plan has been prepared to revitalize and enhance the Downtown Area. Development under the proposed General Plan 2040 would consist of up to 2,260 new residential units, 5,340 residents, and 2,095 employees. Development under the proposed Downtown Precise Plan would consist of up to 2,200 new residential units, 3,570 residents, and 2,020 employees. The city of San Rafael is bisected by US-101 in the north-south direction and Interstate (I)-580 in the east-west direction.

Travel Impact Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans uses Vehicle Miles Traveled (VMT) to assess Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide.

Barry Miller, Project Manager
March 9, 2021
Page 2

Based on the DEIR, the implementation of the proposed project would result in a significant land use VMT impact for total VMT and work VMT due to forecast land use growth through 2040. Caltrans commends Mitigation Measures TRAN-1a and TRAN-1b to reduce VMT. However, the effectiveness of VMT reductions strategies is not certain and the programmatic nature of the project may limit the availability of additional mitigation measures. Therefore, the VMT impact remains significant and unavoidable even with the implementation of mitigation measures TRAN-1a and TRAN-1b.

It is worth mentioning that the DEIR also proposes Alternative B: Greater Residential Growth, which would yield more residential units, but the total VMT Per Service Population and work VMT Per Employee under Alternative B would be less than the proposed project. Caltrans encourages the Lead Agency to provide more information regarding how the proposed project is preferred over Alternative B.

Lead Agency

As the Lead Agency, the City of San Rafael is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Yunsheng Luo at Yunsheng.Luo@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please contact LDIGR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

MARK LEONG
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse